

ENTERED

February 05, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIA FERNANDA CANO,

§

Plaintiff,

§

VS.

§

MARCO RUBIO¹,

§

Defendant.

§

CIVIL ACTION NO. 1:24-CV-003

ORDER

In January 2024, Plaintiff Maria Fernanda Cano filed this lawsuit against Secretary of State Antony J. Blinken, in his official capacity (“United States”), seeking a declaration of nationality under 8 U.S.C. § 1503. (Compl., Doc. 1) The United States moved to dismiss the Complaint on the grounds that it was untimely filed, depriving the Court of subject matter jurisdiction. (MtD, Doc. 27)

A United States Magistrate Judge recommends that the Court grant the Motion to Dismiss for lack of subject matter jurisdiction. (R&R, Doc. 48) No party filed objections to the Report and Recommendation, and the Court finds no clear error within it.²

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 48). It is:

ORDERED that Defendant Marco Rubio’s Motion to Dismiss the Amended Complaint for Lack of Subject-Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which the Court can Grant the Requested Relief (Doc. 27) is **GRANTED**; and

ORDERED that all claims made by Maria Fernanda Cano are dismissed without prejudice for lack of subject matter jurisdiction.

¹ Cano sued Antony J. Blinken in his official capacity as Secretary of State. On January 20, 2025, the United States Senate confirmed Marco Rubio as the nation’s new Secretary of State and he was sworn in the following day. Under Federal Rule of Civil Procedure 25(d), Rubio is automatically substituted in as the proper defendant. The Court directs the District Clerk to update the docket sheet and case caption to reflect this change.

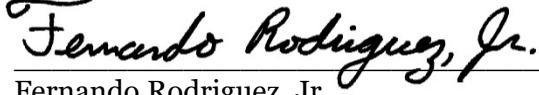
² Even applying *de novo* review, the Court would adopt the Report and Recommendation, based on the Court’s analysis of the same legal issues in *Sanchez v. Rubio*, No. 7:23-CV-057, 2025 WL 289229 (S.D. Tex. Jan. 23, 2025).

This is a final and appealable order.

Each party shall be responsible for its own fees and costs.

The Clerk of Court is directed to close this case.

Signed on February 5, 2025.


Fernando Rodriguez, Jr.
Fernando Rodriguez, Jr.
United States District Judge